

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

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Elsie Tillotson, Department Secretary



MEMORANDUM

To: Development Review Board

From: Kern Lerner *[Signature]*

Date: May 5, 2015

RE: ZP15-0882CA (AP); 92 Home Avenue

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: ZP15-0882CA Appeal

Location: 92 Home Avenue

Zone: RL **Ward:** 5

Date appeal accepted: March 31, 2015

Date of administrative decision: March 17, 2015

Date of application: March 16, 2015

Applicant/ Owner: Ben Traverse

Request: Appeal of Administrative Denial of request to expand living space into garage, associated modifications to windows.

Background:

- Zoning Permit request 15-0882CA; expand living space into garage, associated modifications to windows. Denied March 17, 2015. (Subject of this appeal.)
- No-applicability determination 15-0533NA; Interior remodel with no change to exterior. Work includes bedroom, bathroom, kitchen and dining renovation. Approved October 2014.
- No-applicability determination 14-0248NA; roof, siding, entryway, deck, railing work. Approved August 2014.
- Zoning Permit 03-635; Addition to house at rear— sunroom & kitchen, and patio. Approved July 29, 2003.
- Zoning Permit 01-447; Fence, patio, lighting, shed and recovering steps. Approved May 23, 2001.
- No-applicability; Replace fence. Approved August 11, 2000.
- Zoning Permit 99-054; fence. Approved July 28, 1998.

Overview:

The application (subject of this appeal) was **denied March 17, 2015 for the following reasons:**

1. The proposed conversion of the garage to living space results in the loss of a parking space in the garage leaving a single off street parking space on the subject property. This is insufficient to meet the minimum two spaces required for a single family dwelling as per *Article 8, Table 8.1.8-1 Minimum Off Street Parking Requirements*.
2. The single parking space remaining after the loss of the garage for parking constitutes front yard parking. Front yard parking is forbidden in this residential zone. Conversion of the garage results in the driveway no longer being an access drive (to the garage) but becomes a parking space itself. *Section 8.1.12 (c) Front Yard Parking Restricted: Required parking in all residential zoning districts shall not be located in a required front yard setback area abutting a public street, except alleys. This prohibition extends from the edge of the public right-of-way into the required front yard setback for the entire width of the property with the exception of a single access drive no more than eighteen feet (18') or less in width. The provisions of this subsection shall not be applicable during such times as when the winter parking ban pursuant to Section 20-56 of the Code of Ordinances is in effect. Where parking is provided outside the front yard setback, but either partially or entirely between the principle structure and the street, such parking shall be screened to the extent practicable from view from the public street*
3. An additional parking space illustrated on the submitted site plan cannot be considered to meet the requirements as per Article 8 as it is not on-site but encroaches into the public ROW.

The appellant has provided a detailed statement addressing why the denial should be overturned. See attached memo to DRB dated March 31, 2015 (Exhibit A).

Response to Applicant appeal.

In the introduction the appellant contends that the definition of “access” runs contrary to the legislative intent. No further supporting documentation is provided.

City approved elimination of the garage parking.

The appellant contends that the approval of an addition to the house under ZP03-635 eliminated use of the garage. This is based on the zoning permit including a kitchen expansion and that also included expanding a pantry into the garage. However, the pantry was not part of the zoning request or approval. He argues that the zoning office should have inquired as to whether the pantry rendered the garage useless. There is no requirement for submittal or review of floor plans – (see Sec. 4.2.3 of the regs in affect in 2003 below). In addition the floor plan submitted does not illustrate that the pantry was proposed to be located within the garage, or that it was new construction and not part of the existing kitchen being expanded. Further, it is clear from the plans that it is not within the addition being considered. (See attached permit, approved site plan and unstamped floor plan Exhibit B). Plans did not indicate the pantry having any relationship to the garage, or even that it was new construction as part of the expansion and not existing to making a determination that it reduced parking.

Recognition of the pantry into the garage by other city departments is not relevant as their jurisdiction does not address parking requirements but only life safety standards and observing for assessment purposes. The CO issued was only for the addition (and patio); see attached Exhibit C.

ZP 03-635 was a basic permit where the only review that occurred was to examine the site plan that illustrated the addition. This site plan was formally stamped "Final Approval". The interior floor plans, while submitted, were not part of the approval and are not stamped for approval. The submittal requirements for a basic zoning permit in 2003 were:

Sec. 4.2.3 Basic Zoning Permits. The Basic Zoning Permit is issued for those zoning requests that require only administrative review with regard to use, parking, and dimensional requirements pertaining to density, lot coverage, height and setback. Submission requirements for obtaining a Basic Zoning Permit include the following:

- (a) Completed and signed application form;
- (b) Site plan of the subject property indicating dimensions, existing structure(s), as well as the proposed improvement;
- (c) Photographs of subject property; and
- (d) Payment of applicable fee(s).

The two spaces are "grandfathered" for continued use.

The appellant has provided some information that an additional parking space has been used alongside the driveway over a walkway for over 15 years. Thus it can be used to meet the two space requirement. There are problems with this argument.

First, the space is only 15'5" long on the subject property. As a standard parking space is 20' long, a portion of this space extends beyond the property into the public ROW, Exhibit D, applicant's site plan. Public ROW's cannot be used for private parking or be counted toward meeting a parking requirement, nor can a claim be made for possession of a public ROW. Further, based on the 79 Spruce Street decision (Docket 266-12-07 Vtec), the property cannot meet the two space parking requirement with only one legal space. The second space was never approved under any permit or city action and even if in use continuously for over 15 years and deemed unenforceable; it is still a violation and cannot be counted to support development. The concrete slab that the appellant references has no zoning permits to support its use for parking. The approved site plan for ZP 01-441 dated May 2001 clearly shows a strip of uncovered ground between the driveway and a walkway on two plans; see attached Exhibit E.

The comparison that the appellant makes to the 2006 140 Wells St decision overturning a similar denial is not precedent. This is due to it being considered under the previous ordinance, the side-by-side space was formally determined to be pre-existing and did not encroach into the ROW (while the subject site's "grandfathered space does encroach), and this decision was prior to the 79 Spruce St. order. This judicial decision determined that "Any

alleged protection from enforcement does not mean that such development is entitled to automatic issuance of a zoning permit” and “Simply put, just because an action cannot be condemned does not mean it must be condoned.”

ZA definition of access drive is incorrect

A driveway is an access onto and within the property whose purpose is to access parking. It must access a legitimate parking area otherwise it becomes a parking area, and becomes frontyard parking, if the parking is in front of the house. While driveway widening has been approved, it is only in the cases where the driveway continues to access a garage or other legitimate parking space; that is not the case here.

Recommendation: Deny the appeal and **uphold the administrative denial** for the reasons as stated above.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.

To: Development Review Board
From: Benjamin Traverse & Rebecca Wasserman
Date: March 31, 2015
Re: 92 Home Avenue

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We have been living at 92 Home Avenue since August 2014. By no fault of our own, the home's garage is completely unusable for parking and, as such, we are required to park our two vehicles outside. The home's prior owners faced this same situation. Now, we seek to convert the garage into habitable space. Our proposed construction would not in any way change the home's long-standing parking arrangement. Nonetheless, our zoning permit application was denied on the ground that it would violate the City's parking requirements. For multiple reasons explained more fully below, the zoning administrator's denial was improper.

Introduction

This appeal is in reference to the denial of our zoning permit to convert the single-car garage at 92 Home Avenue into habitable space. Now that we are starting a family, we are looking to add an additional bedroom to our home. The garage, which currently amounts to nothing more than unnecessary storage space, is a perfect location to construct a master suite. Our mortgage lender, which is servicing our renovation loan, has already approved the project, pending permitting. A recent appraisal of the proposed construction revealed that by adding a master suite, we would increase our home's value to approximately \$465,000.00; a \$100,000.00 increase from the purchase price. However, when we applied for our zoning permit, it was denied by the zoning administrator on the grounds that it would infringe upon the city's parking ordinances.

When we purchased 92 Home Avenue, we understood and were informed by the sellers that the home's single-car garage was not useable as a parking space. Historical evidence clearly indicates that for more than 15 years, the home's various owners have used two outdoor parkings spaces, rather than the garage. Indeed, to accommodate two outdoor vehicles, one prior owner widened the asphalt driveway with a concrete slab, connecting it to the driveway with brick pavers.

Admittedly, it is likely the case that the owners who initially started parking two cars outside did so out of personal preference arising from the difficulty in parking a car in garage's originally narrow space. Importantly, though, this mere difficulty in parking became a complete impossibility when, in 2003, the City permitted the home's owners to construct a walk-in pantry off of the kitchen, which juts into the back of the garage. Consequently, the garage is now less than 14 feet in length.

Notwithstanding the evidence that 92 Home Avenue has had two outdoor parking spaces for more than 15 years, and regardless of the fact that this situation was affirmed by the City itself in 2003, the zoning administrator still views the garage as a parking space, with the only additional space being that portion of the driveway immediately outside the garage. As a result, the zoning administrator denied our permit to convert the garage into habitable space on the ground that the proposed construction will infringe upon the City's parking ordinances. More specifically, the zoning administrator set forth the following three points in his denial: (1) converting the garage to habitable space will eliminate a parking space, in

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violation of the City's minimum parking requirements, set forth in Sec. 8.1.8 of Appendix A, the Comprehensive Development Ordinance (the "Development Ordinance"); (2) by eliminating the garage, the driveway will no longer be an "access" driveway and accordingly, any parking spaces therein will violate the City's frontyard parking ban, set forth under Sec. 8.1.12(c) of the Development Ordinance; and (3) proposed additional parking spaces on the submitted site plan infringe upon the City's right of way.

The zoning administrator's defense is flawed in the following ways: (1) the City previously approved the elimination of the home's garage as a parking space and must be equitably estopped from arguing otherwise; (2) the home's two outdoor parking spaces have been in use for more than 15 years and, per the precedent of the Development Review Board, are "grandfathered" in for the purpose of continued use; and (3) the zoning administrator's definition of an "access" driveway, as used in the zoning ordinances, runs contrary to the City Council's legislative intent.

I. The City Approved Elimination of the Garage Parking Space

In June 2003, prior owners of 92 Home Avenue applied to the zoning administrator for a permit to renovate the backend of the house. A review of the permit application reveals that the plans contemplated an expanded kitchen, the addition of a sunroom, the placement of an outdoor patio, and construction of the above-mentioned walk-in pantry. The site plan stamped "approved" by the zoning administrator only sketches out the expansion of the home's footprint - it does not delineate the interior of the home. However, again, it is clear from the remainder of the permit application that the interior work would include the walk-in pantry, among other things, and that the pantry would jut into the home's garage space.

The zoning permit application was approved on July 9, 2003. Based on the zoning administrator's approval, the prior owners proceeded to construct the walk-in pantry, effectively eliminating the square footage necessary to park a car in the garage. The City also issued related building and electrical permits in September 2003 and November 2003, respectively, which were subsequently closed out.

Additionally, the records of the Assessor's Office demonstrate that the walk-in pantry was considered in a reassessment inspection conducted in January 2004. Accordingly, we and the prior owners of 92 Home Avenue have been paying property taxes on that habitable square footage for more than a decade. Moreover, when the zoning permit was closed out, the Code Enforcement Office conducted a comprehensive inspection of the new construction and issued a certificate of occupancy on November 4, 2010.¹

We suspect from the zoning administrator's past averments that his office will allege the construction of the pantry was never approved, as the site plan on which it appears was not specifically stamped with his office's "approval." This is a specious argument. The zoning administrator cannot contend the pantry was not approved anymore than he can argue the kitchen or sunroom were not approved. Although the "approved" site plan did not delineate the interior walls, the permit application clearly included the construction of these rooms.

¹ The related zoning permit was closed out in connection with the sale of the property to our immediate predecessors in interest.

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Furthermore, it bears noting that the zoning administrator did not express any denial of the pantry construction; any conditions of approval are silent as to the pantry and the blueprint depicting the interior rooms is void of any markings other than the zoning administrator's "received" stamp.

Contrary to the zoning administrator's claims, the construction of the walk-in pantry was, in fact, approved by his office. However, even if one could argue otherwise, the zoning administrator must be equitably estopped from denying our permit application on the ground that conversion of our garage will eliminate a parking space. It was incumbent upon the zoning administrator to perceive, or at least inquire as to the fact that the proposed construction rendered the garage useless for the purposes of parking. In the absence of this due diligence, the prior owners were left unaware of the fact that they were not permitted to construct the pantry. The virtue of the prior owners' misperception was only reaffirmed by the City's subsequent approval of related building and electrical permits. Finally, to permit the zoning administrator's office to espouse its belief that the garage is still a parking space would run afoul of the facts that both the Code Enforcement Office and the Assessor's Office have acknowledged the pantry as livable space that complies with the City's ordinances.

When we purchased our home, we confirmed there were no pending permits and that certificates of occupancy had been issued with respect to the home's livable area. Now, the zoning administrator argues that our garage is still considered to be one of the two minimum parking spaces we require. This is an impossibility. The lawful construction of the pantry by prior owners affirmed a necessity for two outdoor parking spaces. These circumstances will persist, regardless of whether we convert the garage to livable space, and the zoning administrator must not be permitted to cite to this parking arrangement as reason for denying our permit application.

II. The Two Outdoor Parking Spaces are "Grandfathered" in for the Purpose of Continued Use

In addition to viewing our garage as a parking space, the zoning administrator has further erred in determining that 92 Home Avenue only has one outdoor parking space, in the driveway immediately outside the garage. Although our site plan proposes tandem parking with a "concrete walkway" running along the right side of the driveway, historical evidence indicates that for well more than 15 years, our predecessors in interest have used both a parking space in the driveway and a second space in the "concrete walkway," which was, in actuality, connected to the driveway with brick pavers for the purpose of expanding its width to more than 20 feet.

An old photo of 92 Home Avenue on file with the Assessor's Office, believed to have been taken prior to 1990, shows an actual walkway to the right of the driveway, leading from the road the home's front steps:

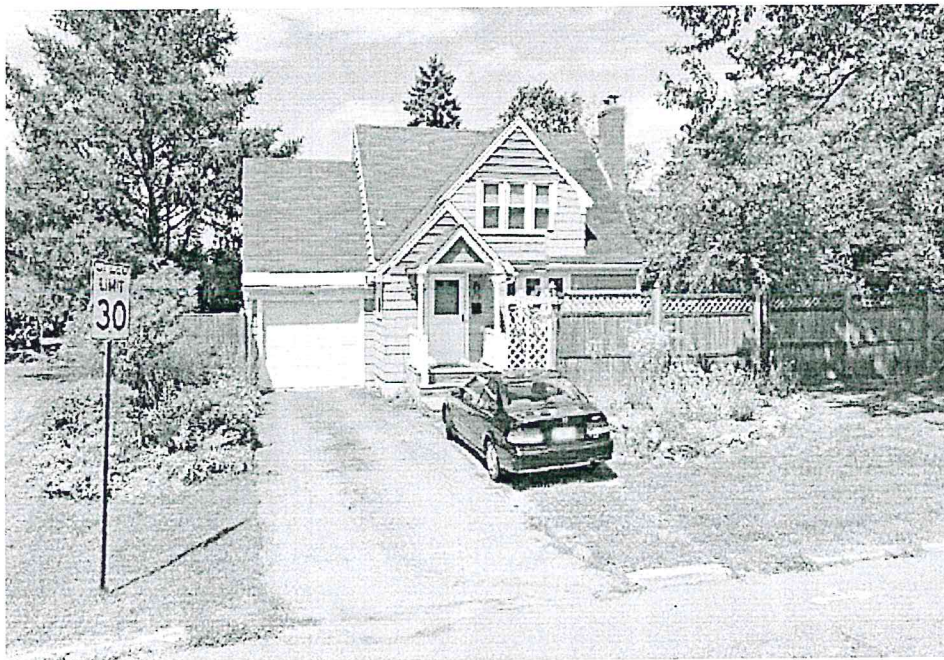
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However, more than 15 years ago, the walkway was removed and replaced with a still-existing concrete slab, which is connected to the driveway with brick pavers. The following is a Google Street View image from 2011, which depicts one car parked atop the concrete slab:



The owners of 92 Home Avenue at that time, Elizabeth Valitchka and David Adams, have agreed to provide a statement that when they owned the property, from November 2009 through July 2014, they consistently used two outdoor parking spaces. Their predecessor in interest, Kim Fox, has also agreed to provide a statement that she similarly used two outdoor parking spaces between 2002 and 2009.

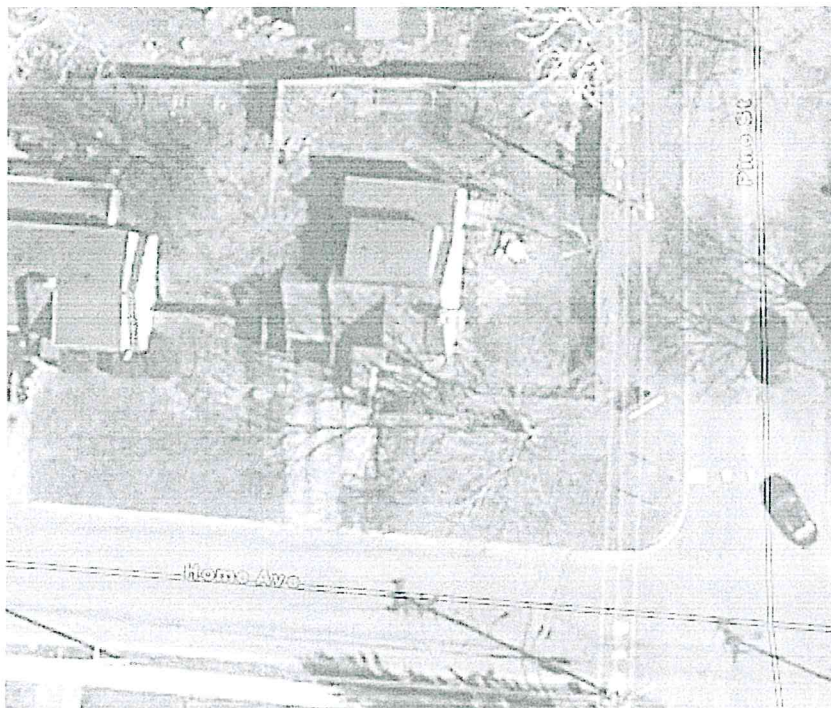
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Recent Google satellite imagery actually shows both parking spaces in use:



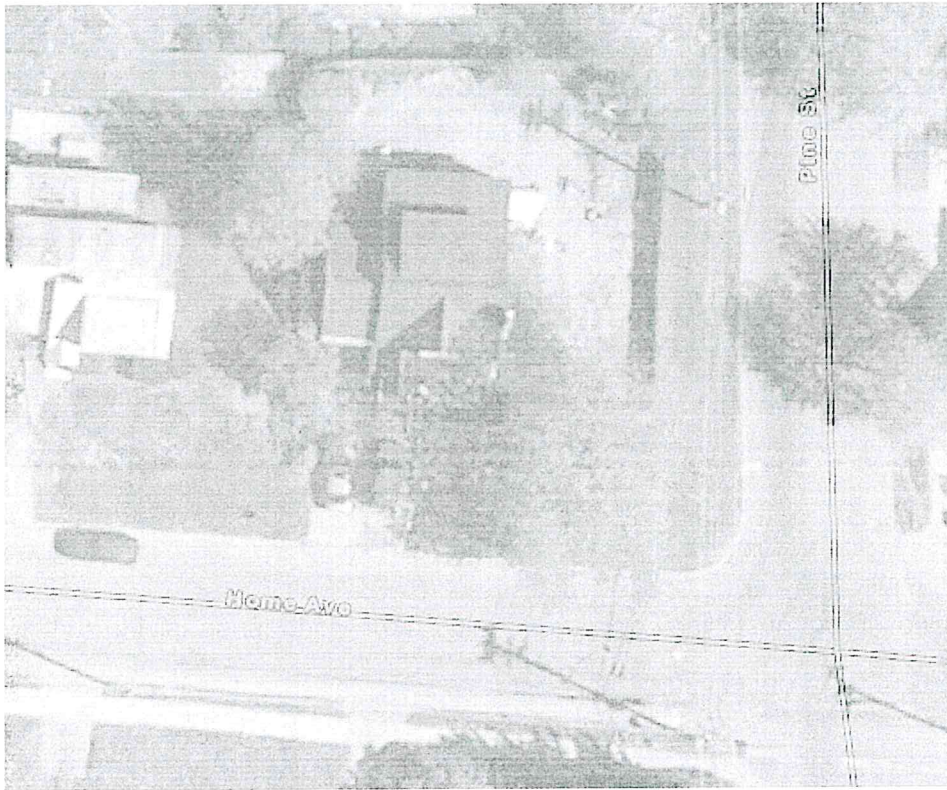
An official aerial photo from 2013 depicts the full width of the driveway, including the concrete slab, without any vehicles parked thereon:



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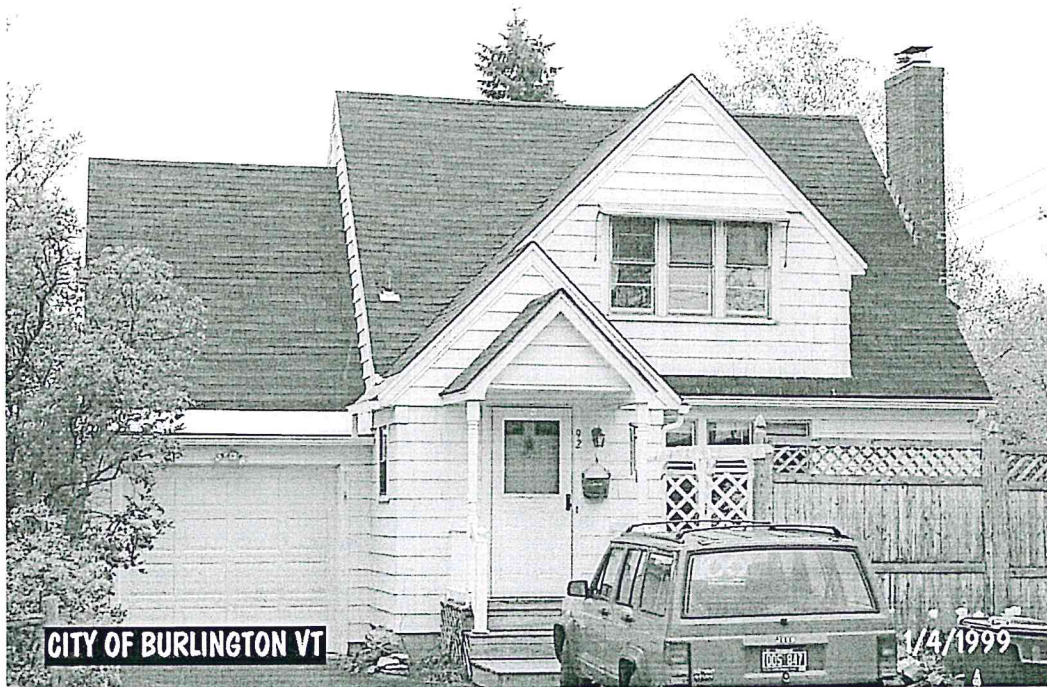
Another official aerial photo from 2004 shows two vehicles in the driveway, including one on the concrete slab:



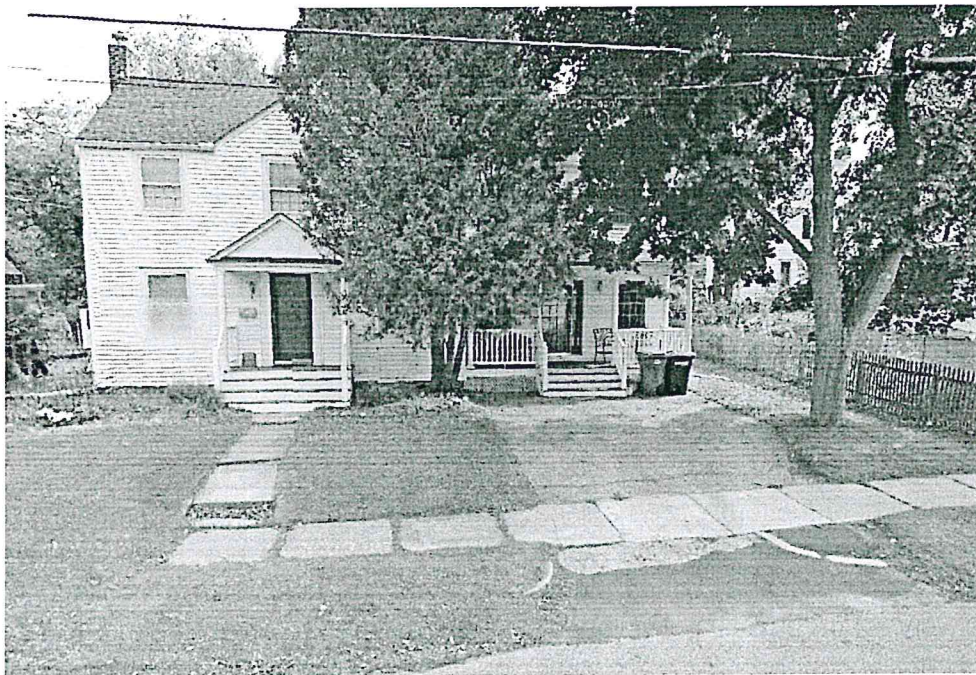
An official aerial photo from 2000 depicts the concrete slab as it currently stands, connected to the right side of the driveway:



And, the City's official property database includes a photograph from January 4, 1999 that includes a car parked on top of the concrete slab:



The Development Review Board previously considered a situation nearly identical to that presented here, when the owners of 140 Wells Street appealed from the denial of their zoning permit application to convert a garage into livable space. See No. 06-844AP; 140 Wells St. (Ward 5, RL) (Tax Lot No. 057-4-185-000). The following Google Street View image is of 140 Wells Street and its now-renovated garage:



As evidenced by the image, the dimensions of the driveway at 140 Wells Street are nearly identical, if not smaller than those at 92 Home Avenue. As noted in the Development Review Board's decision of August 1, 2006, the zoning administrator conceded that:

The existing parking configuration consists of a 2-space wide (19') driveway, a portion of which leads to a 1-space garage for a total of 3 parking spaces. All spaces have been in place for at least 15 years (i.e. the statute of limitations for zoning violations). The southern driveway space is pre-existing front yard parking and has been "grandfathered" by Code Enforcement.

The zoning administrator denied the application permit, though, on the following ground:

The space sits within the front yard setback. The northern driveway space leads to the 1-car garage and, as an access drive, is permissible. Based on previous rulings by the Development Review Board, this northern access drive/parking space is not front yard parking specifically because it leads to the parking space in the garage. By removing the garage space, the northern driveway space no longer leads to the garage.

The Development Review Board unanimously rejected this argument, however, holding as follows:

The appellants have argued that the driveway is not changing. The two driveway parking spaces will remain and satisfy the 2-space parking requirement for the home. Furthermore, they have asserted that the garage is not actually used as such. It is used as a mudroom and storage space.

The Development Review Board finds that, although the garage will be removed, the southern driveway parking space remains legitimate. The curb cut is not as wide as the driveway. It is only as wide as the southern driveway parking space. As such, in order to access the "grandfathered" parking space to the north, vehicles must drive through the space to the south. Therefore, the southern parking space remains an access drive and does not constitute front yard parking.

The Development Review Board should apply this same rationale to the instant matter. The facts presented here are identical to those presented by 140 Wells Street. Like in that matter, the garage at 92 Home Avenue is not used as such; the driveway at 92 Home Avenue is of similar dimensions and, indeed, the width of our driveway (more than 20 feet) is at least one foot larger than that at 140 Wells Street; two driveway parking spaces have been used for more than fifteen years; and the driveway spaces do not infringe upon the City's right of way.

It should be additionally noted here that a finding that the two driveway parking spaces at 92 Home Avenue are not "grandfathered" would effectively force us to continue acting in violation of the City's parking code. Here, the zoning administrator is effectively arguing that we, by no fault of our own, could be cited for parking two cars in our driveway. The zoning administrator actually informed us that one of our vehicles could be towed if we continue to

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park as we and our predecessors in interest have done for more than 15 years. This is an untenable situation that must be addressed, regardless of the outcome of our permit application.

III. The Zoning Administrator's Definition of an "Access" Driveway is Incorrect

If the Development Review Board disagrees with the above-stated arguments, the Board requests that you consider an additional claim that the zoning administrator is improperly interpreting the City's restrictions on front yard parking, which read as follows:

Required parking in all residential zoning districts shall not be located in a required front yard setback area abutting a public street, except alleys. This prohibition extends from the edge of the public right-of-way in to the required front yard setback for the entire width of the property with the exception of a single access drive no more than eighteen feet (18') or less in width. The provisions of this subsection shall not be applicable during such times as when the winter parking ban pursuant to Section 20-56 of the Code of Ordinances is in effect. Where parking is provided outside the front yard setback, but either partially or entirely between the principle structure and the street, such parking shall be screened to the extent practicable from view from the public street.

Although we proposed the alternative of further widening our driveway beyond the concrete slab, the zoning administrator denied our permit application, stating that by eliminating our garage, our driveway will no longer fall under the front yard parking exception for "single access drive[s]." The zoning administrator defines the term "access" as requiring that the driveway lead to a legal parking space. Admittedly, it appears the Development Review Board may have also adopted this definition, as indicated by its decision in the 140 Wells Street appeal. We respectfully posit, however, that this was not the City Council's intent in adopting the ordinance.

If the City Council intended for an "access" drive to be one that leads to a legal parking space, it could have defined it as such. As used in the City's ordinance and similar Vermont regulations, the term "access" merely indicates that a driveway is the means by which a private property is accessed from a public road. Under the front yard parking restrictions, the term "access" must be read in conjunction with the preceding term of "single." A plain reading of the City's ordinances as a whole reveals that the phrase "single access drive" is used to distinguish it from a "shared access drive." It is sensible that the City Council would only extend the front yard parking exception to a "single access drive," as permitting driveway parking for multi-unit dwelling would be unfeasible. Under this interpretation of the ordinance, the removal of a garage does not change the status of a "single access drive."

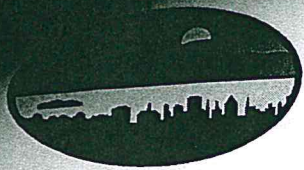
Conclusion

The parking arrangement at 92 Home Avenue exists for reasons we have no control over. Within the confines of these circumstances, we seek to improve the value of our home. Adding a master suite will not affect our parking arrangement, which has stood for more than 15 years. The garage was entirely eliminated as a parking space more than a decade ago when prior owners were permitted to construct a walk-in pantry. For the reasons set forth

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Unified Certificate of Occupancy

Tax ID: 057-2-109-000

92 HOME AVENUE

Maximum Occupant
Load: NA

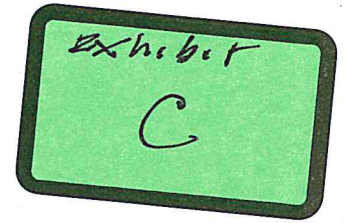
City of Burlington, Vermont

Project Description:

25x9 single story addition, and 12x14' uncovered patio.

Issued:

November 4, 2010



Owner of Record: ELIZABETH H VALITCHKA
92 HOME AV
BURLINGTON VT 05401

FolderRSN	Permit Info	Permit Issued	Permit Description
105547	Zoning Permit - Basic 03-635 92 HOME AVENUE	Jul 9 2003	25x9 single story addition, and 12x14' uncovered patio.
108201	Building Permit 2003 040888 00000 BP 92 HOME AVENUE	Sep 8 2003	one story addition

This Certificate of Occupancy for 92 HOME AVENUE is issued on November 4, 2010 by the City of Burlington, Vermont, for the Zoning and Building permits listed above.

Jeanne Francis, Zoning Compliance Officer

Ned H. Holt, City Building Official

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above, we request that our appeal be granted and that a zoning permit be issued that permits converting the garage at 92 Home Avenue into livable space.

Benjamin J. Traverse

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Exhibit

B



ZONING PERMIT

135 Church Street, Ste. 3

Burlington, Vermont 05401-8415

(802) 865-7188 * (802) 865-7142 TDD * (802) 865-7195 FAX

Application Date: 06/30/2003 Appeal Exp. Date: 07/24/2003

Project Location: 92 HOME AVE Zone: RL Ward: 5

Owner/Applicant Name: LISA LEISER

Address: KIM FOX

92 HOME AVENUE

BURLINGTON, VT 05401

AKA Address:

Telephone: 865-4692

Project Description: Addition (25' x 9') of sunroom and kitchen at rear of house; add new 12' x 14' patio.

Estimated Cost of Construction: \$50,000.00 Lot Size: 6349

Net New Sq. Ft.: 225

Net New # of Housing Units: 0

Existing % Lot Coverage: 22

Existing # of Parking Spaces: 2

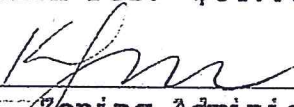
Proposed % Lot Coverage: 28

Proposed # of Parking Spaces: 2

Required # of Parking Spaces:

Zoning Permit #: 03-635

Application Fee: \$64.00 Yes


Zoning Administrator

Decision: AWC Date 07/09/2003

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board within 15 days of final action.

V #: ZBA #: ZBA Decision Date:

Assessor Parcel #: 057-2-109-000

PERMIT_ID:

7511

Conditions: 1) Addition to structure to be a minimum of 7.5' from side property lines. 2) Standard permit conditions 1-15.

Applicant Signature: 

Standard Permit Conditions
92 Home Avenue
Zoning Permit #: 03-635
DATE ISSUED: July 9, 2003

1. **15-Day Posting Period.** Zoning permit is not effective until expiration of 15-day appeal period as required by state statute.
2. **Time Limits.** Zoning permit shall become invalid unless work or action authorized by permit is commenced by **July 9, 2005**. The Permittee shall complete the approved construction by **July 9, 2006**.
3. **Required Revisions.** Any revisions or additions to plans required as a result of approval must be submitted in triplicate and stamped "approved" prior to issuance of zoning permit.
4. **Changes.** The project shall be completed as shown on the plans, which have been stamped "approved" and dated **July 9, 2003** by the Department of Planning and Zoning. The project shall not deviate from the approved plans without prior written approval from the Department of Planning and Zoning.
5. **Property Inspection.** By acceptance of this permit, Permittee authorizes City Officials and/or their authorized representatives, access to the subject property for purpose of observing work in progress, inspecting and/or measuring the property or improvements as long as the use authorized by this permit remains in effect.
6. **Certificate of Occupancy.** A certificate of occupancy must be issued by the Department of Public Works PRIOR to use and/or occupancy of the subject premises. Prior to issuance, the Department of Planning and Zoning must certify that work has been completed in accordance with approved plans and that applicable conditions have been met. The Permittee may be required to provide a Letter of Credit to obtain a Certificate of Occupancy prior to completion of all required improvements.
7. **Completion and Maintenance of Improvements and Landscaping.** Permittee or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Permittee agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.
8. **Building Permit; Other Permits.** Permittee is solely responsible for obtaining BUILDING PERMIT and all other applicable local, state and federal permits.
9. **Off-Site Drainage.** Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties.

Standard Permit Conditions

- 10. Appeals.** Appeals of a decision of the Zoning Administrator can occur up to fifteen (15) days following such decision. Appeals of Development Review Board decisions can occur up to thirty (30) days following final decision. Any work done in connection with this permit prior to the expiration of all applicable appeal periods is done SOLELY at the risk of the Permittee.
- 11. Errors.** Permittee is solely responsible for the accuracy of all information contained in the Zoning Permit form and in accompanying documentation. Any errors contained therein may invalidate the Zoning Permit and may result in issuance of a zoning violation citation and prosecution.
- 12. Transfer of Ownership.** In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become permittee and subject to compliance with the terms and conditions of this permit.
- 13. Violations/Penalties.** A violation of any of the conditions of this permit or of any provision of the Burlington Zoning Ordinance may result in a penalty of up to one hundred dollars (\$100) per day.
- 14. Incorporation and Reference of All Plans Presented to Development Review Board.** This approval incorporates by reference all plans and drawings presented and all verbal representations by the Permittee at Development Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions or regulations.
- 15. For Properties Involved in Boundary Disputes.** When there is a boundary dispute regarding the subject property, and, as no certified survey has been produced to the Planning and Zoning Office to help resolve this dispute, this permit is granted upon the information, including site plan, provided by Permittee. If another party submits sufficient evidence (ie. a certified survey) to demonstrate that the boundary is not as indicated by Permittee, this permit shall be null and void. Further, Permittee shall bear all costs to remedy the situation, including removal of the structure(s) if necessary, that is if the structure(s) is/are unable to meet the requirements of the zoning ordinance and receive an amended permit in light of the actual boundary line.

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NEW ADDITION

NEW PATIO

Min. of 7.5'

25'0"

25'

12'

SIGNED
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

DATE

7-9-03

FINAL APPROVAL

ANY MODIFICATION OR DEVIATIONS FROM THESE PLANS
REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.
ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE
FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

28' -- NOTE --

SF

1801

6349

PROPOSED BLDG SF

LOT SIZE

BLDG/LOT COVERAGE

28 %

SF

HOUSE	-	914
FR STEEP & WALK	-	174
DRIVEWAY	-	320
NEW ADDITION	-	225
NEW PATIO	-	168

HOME AVE.

PINE STREET

DRIVE-
WAY

WALK

75'

EISER/FOX RESIDENCE - 92 HOME AVE.

6:24.03

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24'-6" ±

8'-0"

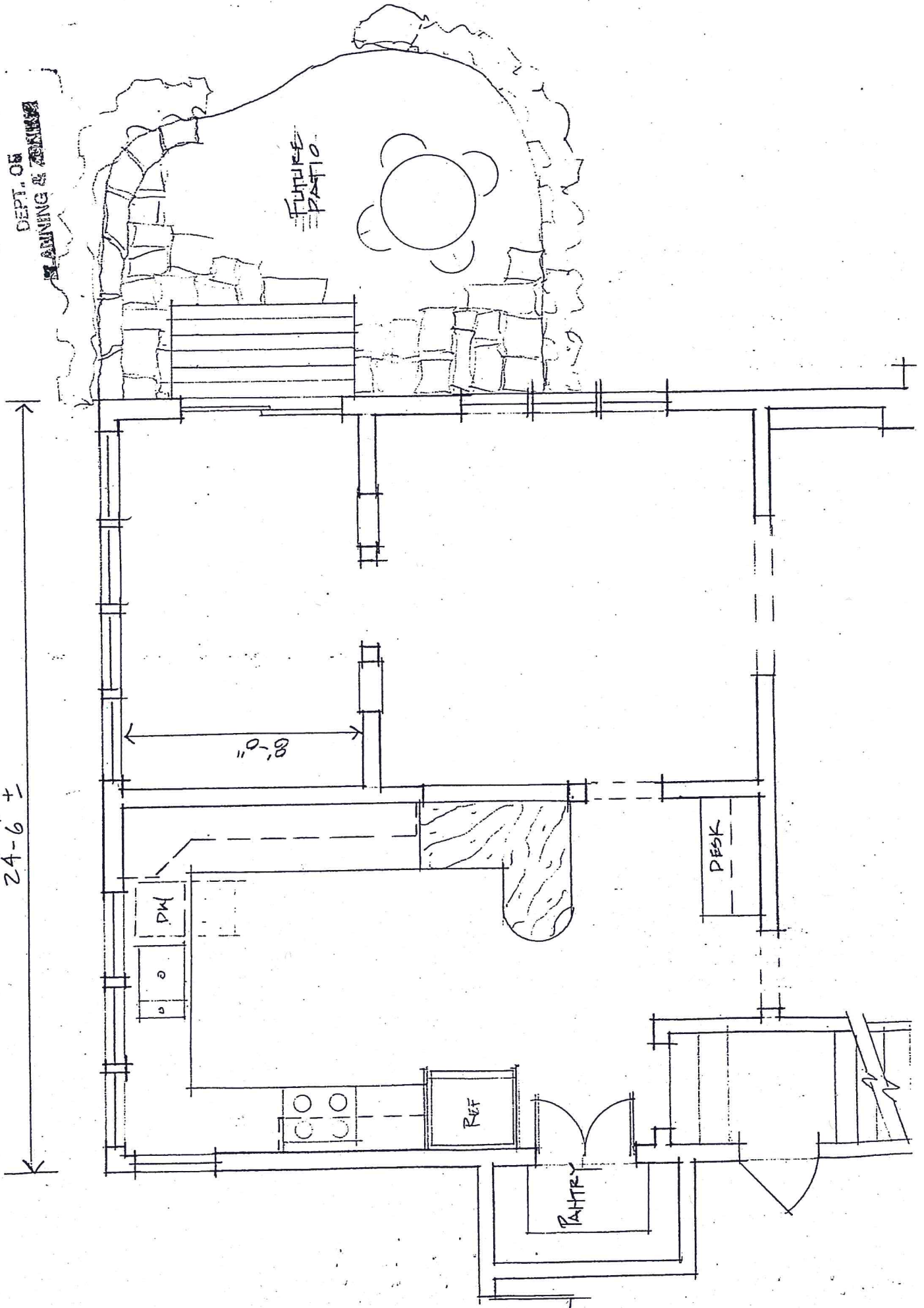
FUTURE
PATIO

PM

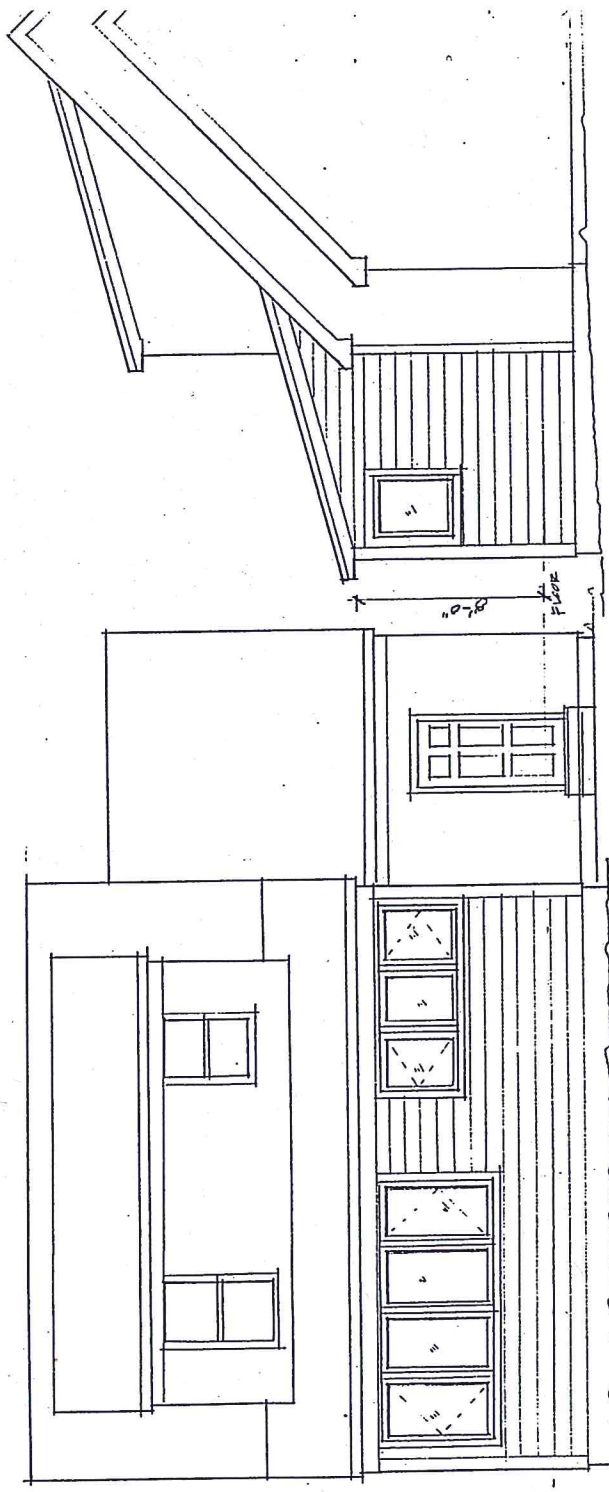
DESK

REF

PANTRY



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WEST ELEVATION

EAST ELEVATION

Basic Zoning Permit Application

Burlington Planning and Zoning

149 Church Street, City Hall

Burlington, VT 05401

(802) 865-7188 (865-7142 TDD)

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Project Address: 92 HOME AVE Tax Lot #: 1

Property Owner: LISA LEISER / KIM FOX Applicant: PRIME CONSTRUCTION

Owner's Address: 92 HOME AVE. Applicant's Address: PO BOX 1236

Phone Number(s): 865-4692 Daytime Phone Number: 865-9276

Zone: RL Estimated Construction Cost: 50,000

Existing Use of Property: ☒ Single Family ☐ Duplex ☐ Other: _____

Proposed Use of Property: ☒ Single Family ☐ Duplex ☐ Other: _____

Description of Work Proposed: SUN ROOM & KITCHEN ADDITION

☐ Site Plan to scale to include: See Design Review Guide – Site Plans, for a reference.

1. Dimensions of the land, (ie., lot size 50' x 100'). 6250
2. Lot Coverage – Perimeter outline including dimensions of all structures including, decks, patios, parking areas with spaces delineated, driveway(s), walkway(s), etc., with Existing and Proposed differentiated.
3. Setbacks - Distance to property lines from building(s), parking area(s), driveway(s), etc.
4. Easements and/or right-of-ways.
5. Existing topography and any proposed grading (changes in elevations, fill, etc. with minimum 5' contour intervals shown in a sketch form).
6. Height: Existing: _____ and Proposed: _____.
7. Parking Spaces: Existing: _____ and Proposed: _____.
8. If this property is a Corner Lot, (property located on the corner of two streets) indicate street names on the site plan.
9. Other: _____

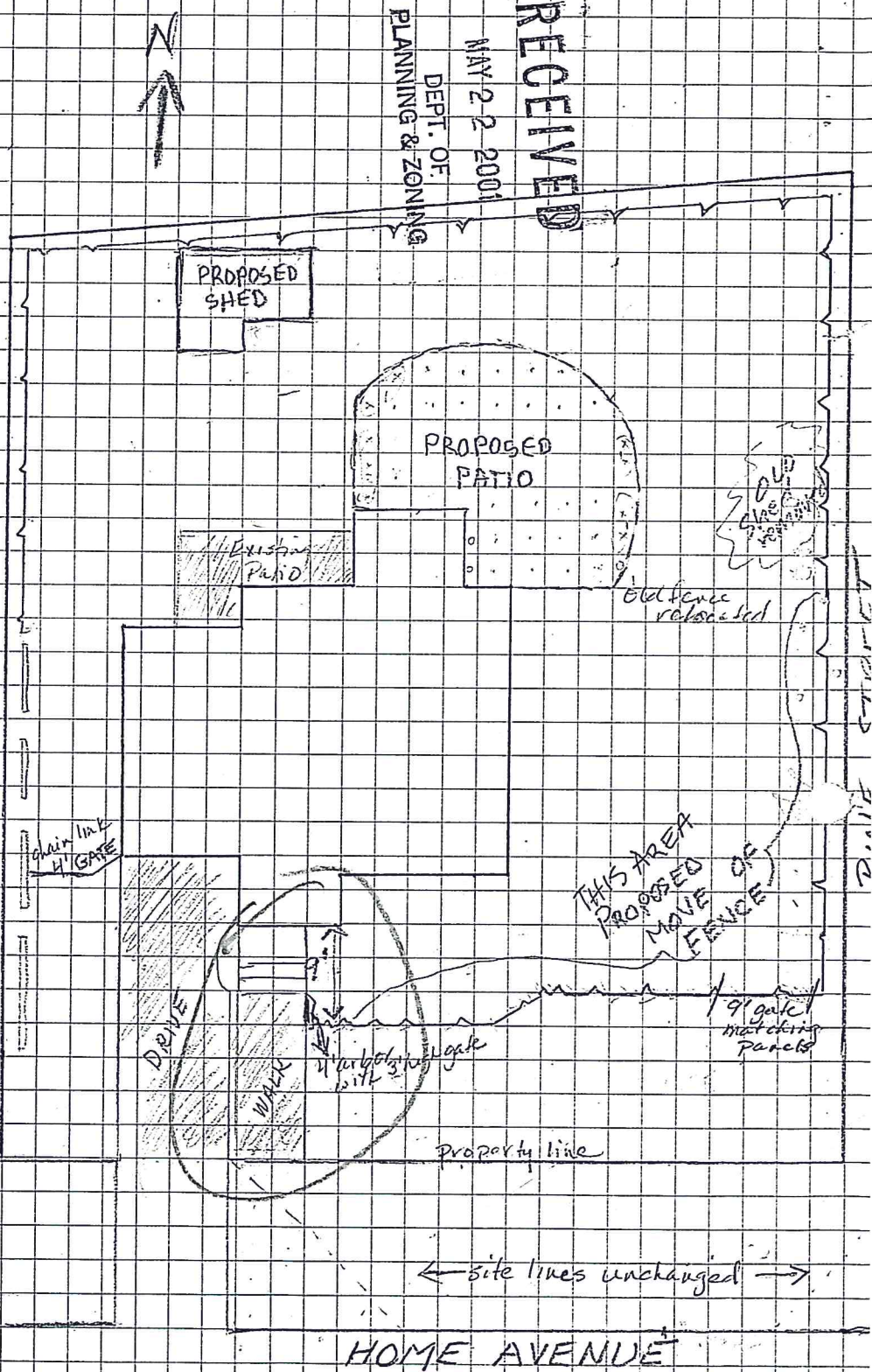
Property Owner's Signature: [Signature] Date: 6-26-03

Applicant's Signature: [Signature] Date: 6-30-03

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PROPOSED NEW SHED = $7' \times 12' / 3' \times 6'$ entrance = $84' \div 18' = 102 \text{ sq}'$
 PROPOSED NEW PATIO = $416 \text{ squares} = 996' \div 24' = 414 \text{ sq}'$ for total patio coverage
 (SCALE)

EVERYTHING ELSE AS IS except removal of old shed and move existing fence + add panels.

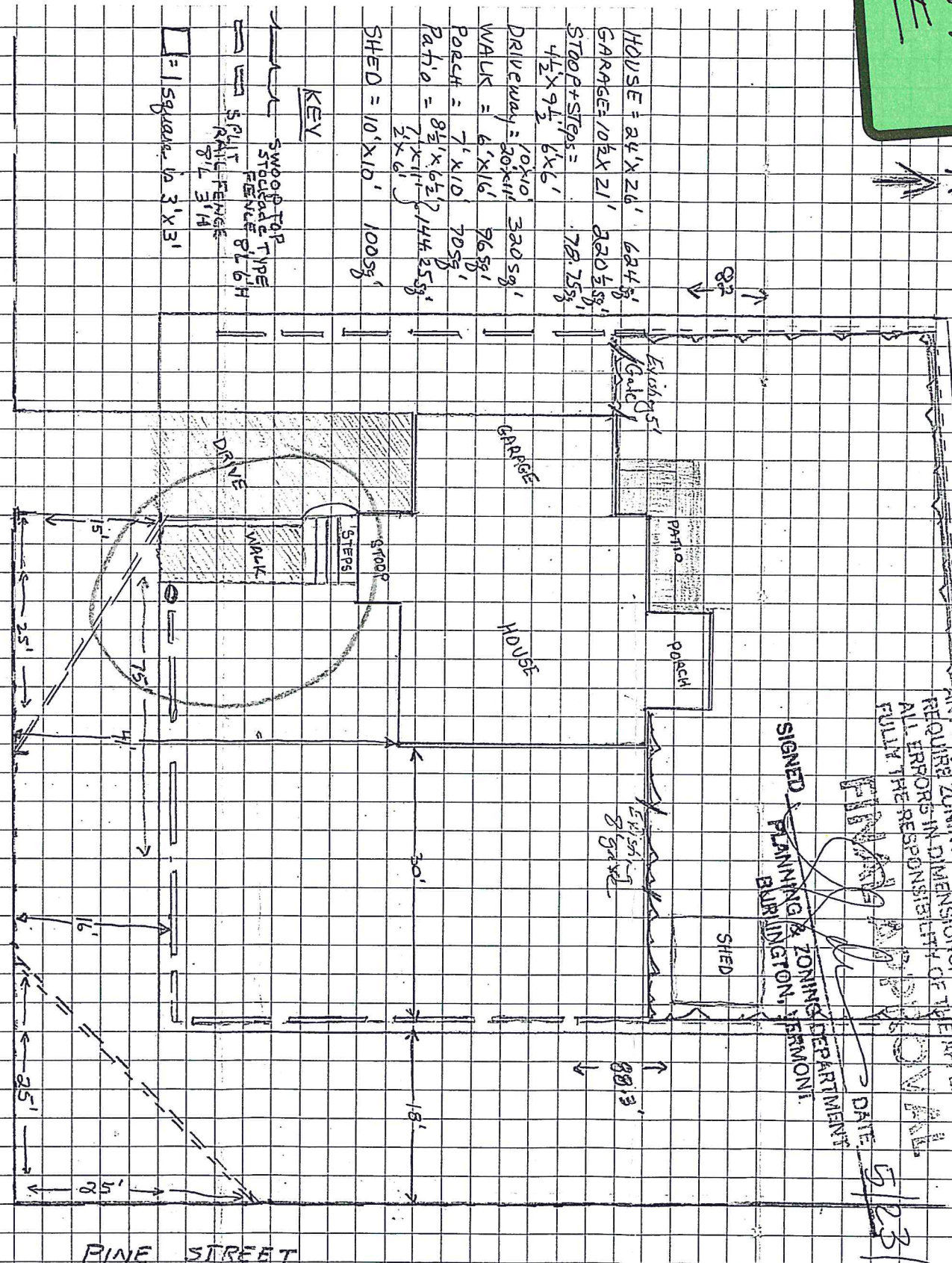


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NOTICE
FROM THESE
OPERATIONS OR DEVIATIONS
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SIGNED
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT.

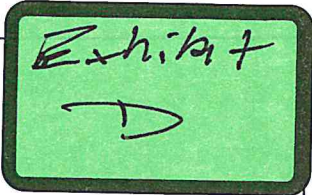
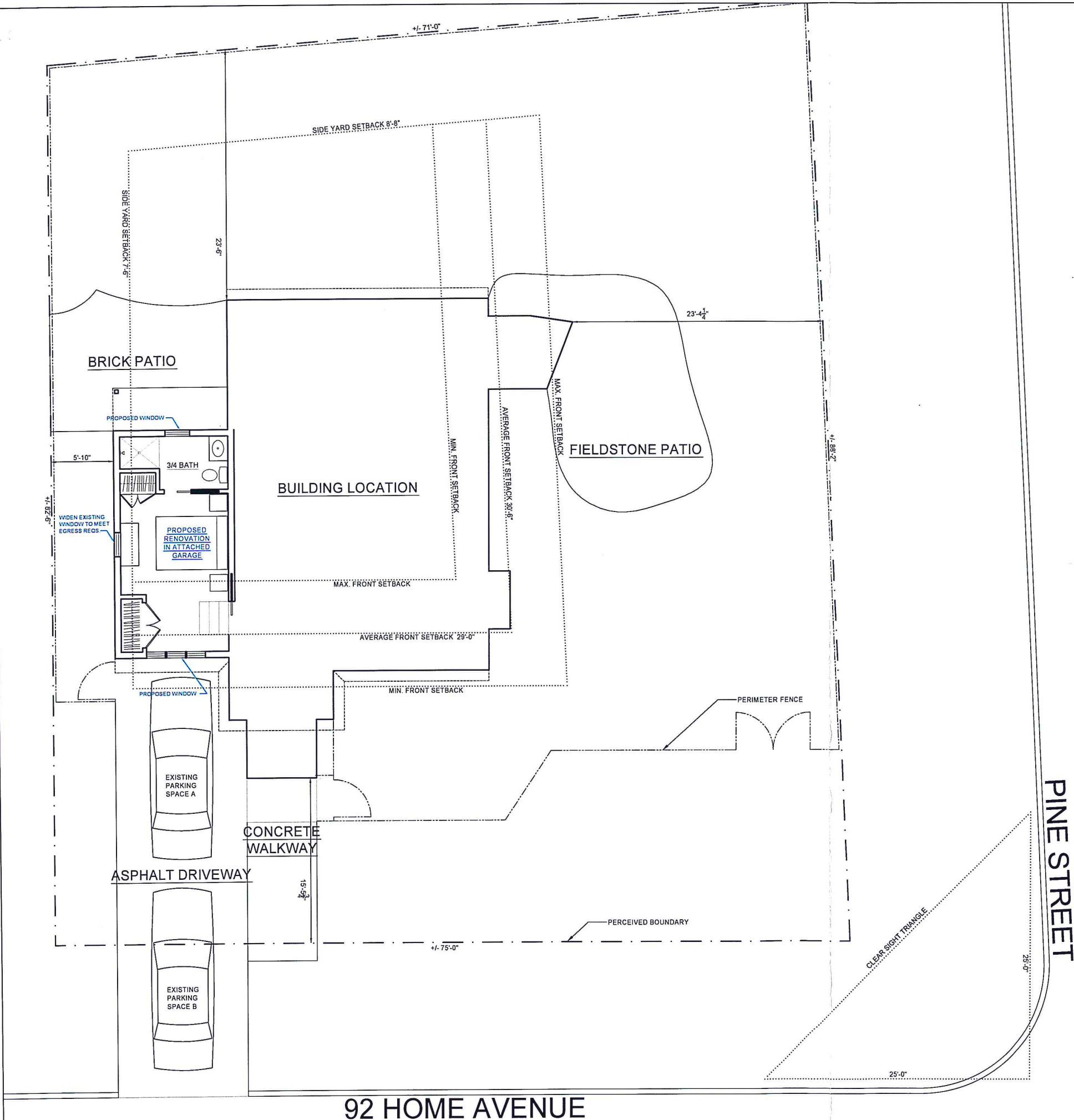
DATE: 5/23/01



KEY
SWOOD TOP
STOCKADE TYPE
FENCE 8' L 6' H
5' RAIL FENCE
8' L 3' H
1 square to 3' x 3'

TOTAL OF
OLD DIMENSIONS = $1653.5 \text{ sq}' \times 100 \div 6,250 \text{ sq}' = 26.456\%$ of lot covered
 LOT = $6,250 \text{ sq}'$
 Proposed coverage changed = $2069.5 \text{ sq}' \times 100 \div 6,250 \text{ sq}' = 33.112\%$
 N = 71'
 E = 88.3'
 S = 75'
 W = 82'

92 HOME AVE. Zoned for $\leq 35\%$ total allowed coverage



LOT COVERAGE
NO CHANGE:
EXISTING LOT COVERAGE:
(1,637 / 6,250) x 100= 26%

SETBACKS

SIDE YARD SETBACK (HOME AVE)
: 75' x 10%= 7'-6"

SIDE YARD SETBACK (PINE AVE)
: 88' x 10%= 8'-8"

PINE STREET FRONT SETBACK:
+/-5' OF 30'-6" AVERAGE
991 & 981 PINE STREET
(30'-0" + 31'-0")/2 = 30'-6"

HOME AVENUE FRONT SETBACK:
+/-5' OF 29'-0" AVERAGE
88 & 82 HOME AVENUE
(22'-6" + 35'-6")/2 = 29'-0"

NOTE:
THE SITE PLAN IS AN ILLUSTRATIVE REPRESENTATION
FOR ZONING APPLICATION PURPOSES ONLY AND IS
NOT TO BE USED FOR DESCRIPTION, CONVEYANCE,
OR DETERMINATION OF LEGAL TITLE.

MAR 16 2015
RUDY POLWIN ARCHITECTS
PLANNING & ZONIA
3256-2 North Road
Waitsfield, VT 05673

c 814.441.0410
rudypolwin@gmail.com
www.rudypolwin.com



ISSUE STATUS:
PERMIT REVIEW

THE INFORMATION PROVIDED IS
NOT FOR CONSTRUCTION
PURPOSES. THE DRAWINGS AND
DETAILS HEREIN ARE FOR
PERMITTING PURPOSES ONLY.

JOB TITLE / CLIENT
**BEN TRAVERSE /
BECKY WASSERMAN
RENOVATION**
92 HOME AVENUE
BURLINGTON, VT 05401

(607) 624-1287

SITE PLAN

SCALE
1" = 10'
0 5 10

NORTH
SHEET SIZE
11 x 17

DATE PRINTED 3.9.2015

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